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MCDERMOTT WILL & EMERY LLP			MATNEY, BROOKE MARIE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,005	Applicant(s) GOMEZ AMOR, VICENTE
	Examiner Brooke M. Matney	Art Unit 4138

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

Status

- 1) Responsive to communication(s) filed on 06 June 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 06 June 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449)
Paper No(s)/Mail Date <u>24 March 2009</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.

2. The abstract of the disclosure is objected to because it includes the legal phraseology "said" in line 4. Correction is required. See MPEP § 608.01(b).

3. The title is suggested to be changed to "3 Way Stopcock". This change would remove the word "perfected".

4. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: On page 1, II. 5-6, the phrase "in which of" should read "in which". In that same sentence, "attaches" should read "attach". On page 1, I. 9, "related" should read "relate". On page 1, I. 25, "above mentioned previously" should read either "above mentioned" or "previously". On page 1, II. 24-26, the sentence is unclear as to what is "difficult to eliminate". Also, the phrase "that are" in line 26 should read "that is". On page 1, I. 29, the comma after "Another problem" should be removed. The sentence running from page 1, line 29 to page 2, line 1 has numerous errors and is unclear in meaning. All of the mentioned examples of unclear

or inexact terms on page 1 require correction, as well as the other unclear sentences and grammatical errors throughout the specification.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig.1 does not have the cylindrical body or nucleus (1) (p.3, line 30) or the plug or stopper (4) (p.3, line 31) labeled in the diagram. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, "a body or nucleus" in line 1 becomes "the body of the cited nucleus" in line 5. The "principal arms" of line 6 are best understood to be the "principal channel" of line 2. The "principal arm" of line 8 is best understood to be the "principal channel" of line 2. The phrase of line 6 "communicating or not the secondary arms and principal arms between themselves" is unclear. Also, the phrase "towards the head of the patient" in line 10 is unclear. In claim 2, it is unclear whether "basically" refers to the arms being made mostly or completely or material of medical grade polymer. In claim 3, the phrase "characterized in that the plug or stopped presents in its interior inner channels which present an interior configuration sensibly in the form of inverted 'V'" is unclear. All of these examples require correction, as well as the other unclear phrases and grammatical errors found in the claims.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by *Fink* [US Patent No. 4,219,021].

As to claim 1, *Fink* discloses a three-way stopcock for medical use which comprises a body (12, Fig. 1) wherein a principal channel (outlet connection tube 30, Fig. 1) and two secondary arms converge (two inlet connection tubes 26 and 28, Fig. 1), so as to receive an intravenous catheter and two other supply catheters respectively, acting in the body of the cited nucleus a plug (valve core 14, Fig. 7) which is externally activated by a handle (16, Fig. 1) communicating or not the secondary arms and principal channel between themselves (col. 4, ll. 3-6), in which said secondary arms emerge from the nucleus in diametrically opposite 90° angles with respect to the principal arm (col. 3, ll. 57-60), in such a way that the final portion of these secondary arms are oriented in the direction towards the head of the patient, characterized in that the secondary arms emerging from the nucleus present, in each one of its trajectories, initial portion or segment which is curved, flexible and with a high elastic index continuing in a final distal segment sensibly parallel between themselves (Fig. 14). *Fink* teaches that the principal channel and two secondary arms are each connected to a flexible length of tubing (inlet tube 34, inlet tube 38, and outlet tube 42, Fig. 1). *Fink* also discloses that the flexible length of tubing can therefore be bent in a way so that the inlet tubes curve away from the nucleus and then become aligned parallel to each other. Also, *Fink* does not disclose any differences between the principal channel and the secondary arms' connection to the body. Therefore, the principal channel and the secondary arms could be oriented with the principal channel between the secondary arms.

As to claim 2, *Fink* further discloses wherein the three-way stopcock is characterized in that the arms are basically made out of material of medical grade polymer (col. 1, ll. 19-23). *Fink* teaches that the flexible tubes are plastic, which is a polymer. *Fink* also teaches that the flexible tubes will be used with the stopcock for intravenous administration of different medications (abstract), thereby showing the plastic tubing to be of medical grade.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Fink* in view of *Lynn* [US Patent No. 7,033,339 B1].

As to claim 3, *Fink* discloses a three-way stopcock having all claimed elements except for the plug or stopper presents in its interior inner channels which present an interior configuration sensibly in the form of inverted "V", with branches slightly arched.

Lynn discloses the plug or stopper presents in its interior inner channels which present an interior configuration sensibly in the form of inverted "V", with branches slightly arched (Fig. 67, central rotating member 1208).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify *Fink*'s valve core such that it has an interior

configuration in the form of an inverted "V" with slightly arched branches, as taught by *Lynn*, in order to improve fluid flow through the stopcock.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brooke M. Matney whose telephone number is (571)270-1457. The examiner can normally be reached on Monday-Thursday 8:00AM-6PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on (571)272-4709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brooke M Matney/
Examiner, Art Unit 4138

/Melba Bumgarner/
Supervisory Patent Examiner, Art Unit 4138

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